



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Kwame Raoul  
ATTORNEY GENERAL

August 27, 2019

*Via electronic mail*

The Honorable JoAnn Quigley  
Supervisor  
Wesley Township  
21333 Ballou Road  
Wilmington, Illinois 60481  
Wesleysuper2017@outlook.com

*Via electronic mail*

Mr. Stewart H. Diamond  
Ancel Glink  
140 North Dearborn Street, Suite 600  
Chicago, Illinois 60603  
sdiamond@ancelglink.com

RE: OMA Request for Review – 2019 PAC 58555; 2019 PAC 58614; 2019 PAC 58615

Dear Ms. Quigley and Mr. Diamond:

Thank you for notifying this office that the Wesley Township Board (Board) took action at its August 13, 2019, meeting to permit camping at the Township park that was the subject of the above-captioned Requests for Review. Because the Public Access Bureau asked the Board to remedy its violation of the Open Meetings Act<sup>1</sup> (OMA) in these matters by taking action on the camping issue during an open meeting, no further remedial action is required.

With respect to your request that this office reconsider and modify its determination that the Board violated section 2(e) of the Open Meetings Act (OMA) (5 ILCS 120/2(e) (West 2018)) by taking final action outside of an open meeting to prohibit camping at the park, the procedures for processing a Request for Review are clearly set forth in section 3.5(a) of OMA (5 ILCS 120/3.5 (West 2018)). In accordance with those procedures, this office

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<sup>1</sup>5 ILCS 120/1 *et seq.* (West 2018).

The Honorable JoAnn Quigley  
Mr. Stewart H. Diamond  
August 27, 2019  
Page 2

fully reviewed the materials and arguments submitted by the parties. Although the request for reconsideration asserts that the Township supervisor acted unilaterally to prohibit camping at the park pursuant to her authority as the Township's chief executive officer, the Township supervisor did not make that claim in her July 2, 2019, response to this office. Further, the Township supervisor's video recorded statements during the Township's June 13, 2019, meeting plainly indicated that the Board had acted collectively to prohibit camping: "[W]e had a situation, **we acted on it**. It was in **our** estimation an emergent situation that **we** needed to stop any more problems with the Park, with the camping area. **Four Board members agreed that we needed to stop the camping.**"<sup>2</sup> (Emphasis added.) Accordingly, this office declines to vacate or modify its determination in this matter.

This office notes, however, that the Public Access Bureau has consistently determined that public bodies do not violate OMA when their individual members take unilateral actions without the approval of their public body. *E.g.*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 40963, issued April 4, 2016, ("OMA governs the transparency with which *public bodies* conduct public business; OMA does not govern the unilateral actions of one Board member outside of an open meeting[.]" (Emphasis in original)); Ill. Att'y Gen. PAC Req. Rev. Ltr. 31883, issued March 24, 2016, at 3 (university board of trustees did not violate OMA when chairman sent a letter to the faculty senate stating that it would not be recognized as an official university organization unless certain measures were taken); Ill. Att'y Gen. PAC Req. Rev. Ltr. 46147, issued February 14, 2017, at 2 (village board of trustees did not violate OMA when mayor appointed trustee without approval of board).

If you have any questions, please contact me at (217) 557-0548.

Very truly yours,



SARAH L. PRATT  
Public Access Counselor

cc: Via electronic mail  
Mr. John Kraft

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<sup>2</sup>Wesley Township Board of Trustees, Meeting, June 12, 2019, Video File, available at <https://www.youtube.com/watch?v=cm6OYWteso8&feature=youtu.be> (last visited August 16, 2019).

The Honorable JoAnn Quigley  
Mr. Stewart H. Diamond  
August 27, 2019  
Page 3

cc: *Via electronic mail*  
Ms. Rebecca Becker



cc: *Via electronic mail*  
Mr. Arlen Fritz

